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THE HONORABLE MARY JO HESTON
CHAPTER 13

HEARING DATE: December 19, 2024

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: December 12, 2024

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:

JENNIFER RUTH KAMP,

Debtor.

Case No.: 24-41481-MJH

TRUSTEE'S OBJECTION TO CLAIM NO. 5-1

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Objection to Claim will be heard before the Honorable Mary Jo Heston at **1:00 P.M. on December 19, 2024**, at the at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom H, Tacoma, WA 98402.

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, **NOT LATER THAN THE RESPONSE DATE**, which is **December 12, 2024**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

Michael G. Malaier
Chapter 13 Standing Trustee
5219 N. Shirley, Suite 101
Ruston, WA 98407
(253) 572-6600

OBJECTION

COMES NOW, Michael G. Malaier, the Chapter 13 Standing Trustee and objects to Claim No. 5-1, filed by Hepworth Legal in the amount of \$97,420.05. Trustee objects to the claim because Hepworth Legal does not possess a valid statutory attorney's lien under the laws of Utah.

Section 502(b)(1) of the Bankruptcy Code provides for disallowance of a claim if such claim is not enforceable against the debtor or debtor's property. 11 U.S.C. §502(b)(1). In support of its claim, Hepworth Legal filed a Notice of Lien, wherein it asserts a statutory attorney's lien pursuant to Utah Code Ann. § 38-2-7. In Utah, "an attorney's lien arises by operation of law for the balance of compensation due from a client on any money or property owned by the client that is the subject of or connected with legal work performed for the client." *Rehn v. Christensen*, 392 P.3d 872, 881 (Utah Ct. App. 2017) (citing Utah Code Ann. § 38-2-7(2)(a)). Ms. Kamp's real property was not the subject of or connected with the legal work performed by Hepworth Legal. Consequently, no attorney's lien arose by operation of the Utah Attorney's Lien Statute. As Hepworth Legal's claim is based on an improper and unenforceable lien it should be disallowed.

WHEREFORE the Trustee respectfully requests that the Court sustain his objection and enter an order disallowing Claim No. 5-1 in full.

DATED this 30th day of October, 2024 at Tacoma, Washington.

/s/ Amanda S. Douglass
Amanda S. Douglass, WSBA #58822 for
Michael G. Malaier, Chapter 13 Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
5219 N. Shirley, Suite 101
Ruston, WA 98407
(253) 572-6600